

INTRODUCTORY COMMENTS

As a preliminary matter, the Applicants thank the Examiner for: (1) providing the Office Action dated March 11, 2003 (the “Office Action”), (2) the new search results contained therein; and (3) acknowledging compliance with sections 101 and 112.

In the Office Action: (1) claims 1-4, 8-11, and 16-18 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,875,430 (“Koether”); (2) claims 5-7 were rejected under 35 U.S.C. 103(a) as being obvious over Koether; and (3) claims 12-15, 19, and 20 were rejected under 35 U.S.C. 103(a) as being obvious over Koether in view of U.S. Patent No. 5,900,801 (“Heagle”) and U.S. Patent No. 6,417,760 (“Mabuchi”).

Applicants respectfully traverse the rejections in light of the admonitions by the Federal Circuit Court of Appeals in In re Thrift, Case Number 01-1445 (Fed. Cir. August 9, 2002) against rejections based on a “very general and broad conclusion” when “cited references do not support **each** limitation” in a claim. In Thrift, the Federal Circuit found that:

While the examiner’s statement **generally addresses** the use of grammar, it does not discuss the unique limitations of extracting, modifying, or processing the grammar to interact with hypermedia sources. The Board’s decision is not supported by substantial evidence because the cited references **do not support each limitation** of claim 11. See In re Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991) [emphasis added].

The references cited by the Examiner fail, in the aggregate, to disclose all of the elements and functionality in the Applicants’ claims. For example, the Examiner admits “that Koether doesn’t explicitly recite receiving foundational data prior to the acquired data” much less the “forms used to collect foundational data” (Office Action, page 5).

As amended, claims 1-20 are in condition for allowance, and respectfully traverse Examiner’s rejections. Independent claims 1, 16, and 18 have been amended even though the Applicants’ contend that the claims are in condition for allowance without any amendment. Dependent claims 2-15, 17, 19, and 20 are therefore in condition for allowance. Applicants

amend claims 13 and 20 solely for the purpose of correcting a typographical error, and not for any purpose related to patentability. Claims 21-25 have been added to further illustrate some of the differences between the Applicants' claims and the cited art.

Claims 1-20 were in condition for allowance prior to the amendments herein. In regards to the Section 102 rejections, Koether does not disclose each and every element of the claimed invention. In regards to the Section 103 rejections, the cited references also fail to disclose each and every element of the claimed invention. Furthermore, the cited references do not affirmatively suggest their combination. With respect to claim elements not disclosed in the cited art, patent examiners may not "rely on conclusory statements when dealing with particular combinations of prior art and specific claims." In re Sang Su Lee, 2002 U.S. App. LEXIS 855, at *17-18 (Fed. Cir. January 18, 2002). Contrary to the Examiner's assertions, the cited references teach away from each other and any combination resembling Applicants' claims. Thus, all claims as amended are in condition for allowance.